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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Ryuji ISHII

Group Art Unit: 2818

Application No.: 10/623,649

Examiner: D. Le

Filed: July 22, 2003

Docket No.: 116645

For: METHOD AND APPARATUS FOR MANUFACTURING ORGANIC
ELECTROLUMINESCENT DEVICE, ELECTRONIC APPARATUS AND METHOD
OF REMOVING IONIC IMPURITIES

REQUEST FOR RECONSIDERATION IN RESPONSE TO QUAYLE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the December 23, 2004 Office Action, reconsideration based on the following remarks is respectfully requested.

Applicant thanks the Examiner for the indication that claims 6-12 are allowed.

I. Restriction Requirement

The Office Action asserts that the Applicant did not distinctly and specifically point out the supposed error in the Restriction Requirement and treats the election as an election without traverse. This is not correct.

The Applicant elected Group I, claims 6-12, with traverse in the Response to Restriction Requirement filed October 12, 2004. The Response asserted that the Patent Office failed to distinguish the process of making and the product made by the process as distinct inventions, and cited MPEP §806.05(f) as support for this rule. MPEP §806.05(f) requires the Examiner to demonstrate that the process as claimed is not an obvious process of

making the product and the process as claimed can be used to make other and different products; or that the product as claimed can be made by another and materially different process. As discussed in the Response to Restriction Requirement, the Patent Office's September 10, 2004 Restriction Requirement failed to explain what other products could be made by the claimed process, or what other processes could be used to make the claimed product. Like the Restriction Requirement issued September 10, 2004, the Quayle Action issued December 23, 2004 also fails to distinguish the process of making and the product made by the process as distinct inventions.

The Office Action states that Applicant's traversal is not persuasive because the fields of search for method and device claims are not coextensive and the determination of patentability of method and device claims are different. That is, the Office Action states that process limitations and device limitations are given weight differently in determining the patentability of the claimed inventions, and that the strategies for doing text searching of the device claims and method claims are different, and thus require separate searches. However, while "separate searches" is a factor, it is not determinative of whether restriction is proper.

If the Restriction Requirement is to be maintained, the Patent Office must respond to Applicant's arguments discussed above and distinguish the process of making and the product made by the process as distinct inventions. Moreover, MPEP §803 states that an Examiner must provide reasons and/or examples for holding that inventions as claimed are distinct, and that a mere conclusory statement is inadequate. In this case, the Office Action merely puts forth the "separate searches" argument, which (a) is not determinative and (b) does not address Applicant's arguments. The Patent Office is respectfully requested to rejoin and examine the Group II claims, to adequately respond to Applicant's arguments set forth above.

II. Formal Matters

The Office Action objects to the title of the invention as not descriptive and requires a new Abstract indicative of the invention to which the claims are directed. The Office Action is vague as to the specific reasons why the title and Abstract are not acceptable; however, it appears that the Patent Office would like the references to a method of manufacturing removed from the Abstract and the title. As discussed above, the withdrawn method claims should be rejoined and examined.

As such, the Applicant respectfully requests that the objection to the title and the Abstract be withdrawn.

The Office Action objects to claim 12 because, allegedly, claim 12 depends on "one of any claims 1 to 5." A Preliminary Amendment was filed on January 23, 2004. The Preliminary Amendment amended claim 12 to depend solely on claim 1. As such, it respectfully requested that the objection to claim 12 be withdrawn.

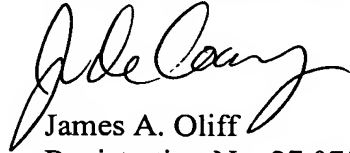
Moreover, the Preliminary Amendment filed on January 23, 2004 added claim 14. Claim 14 recites an electronic apparatus comprising and organic electroluminescent device manufactured by the manufacturing apparatus according to claim 6. Because claim 14 depends on claim 6, and claim 6 has been indicated as allowed, it is respectfully requested that claim 14 be examined and allowed.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:JLC/aaw

Date: February 23, 2005

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